

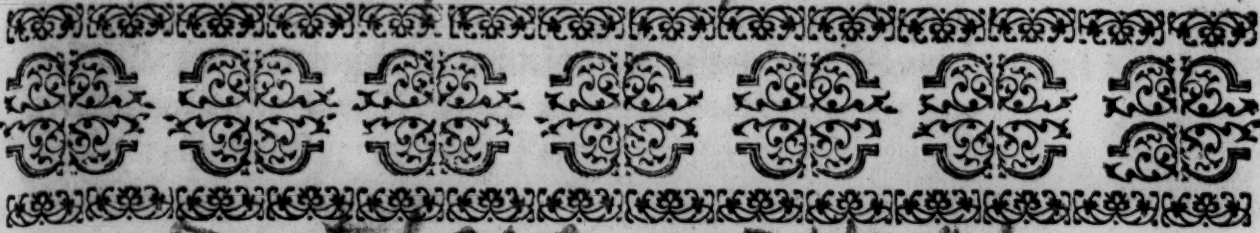
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England. - Parliament. [Bills.] II George II.

Read 19 March 1753.

213. c. 2

94



Enacted 26 Geo. II. Public Acts, c. 75.

**A BILL** for Widening and Repairing the High Road from North-Allerton, through the Towns of Thirsk and Easingwold, in the North-Riding of the County of York, to the City of York.



Whereas the High Road leading from North-Allerton, through the Towns of Thirsk and Easingwold, in the County of York, to the City of York, is, in the greatest Part thereof, so bad, ruinous, narrow, foundrous, and in decay, that it is impracticable for Travellers with Carts, Carriages, and Coaches to pass and travel thereon, without great Danger; and the said Road cannot, by the ordinary Course provided by the Laws for repairing the Highways of this Kingdom, be effectually amended and kept in good Repair, unless some Provision be made by Parliament, for raising Money to be applied for that Purpose,

*May it therefore please Your MAJESTY,*

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Trustees  
Names.



shall be, and they are hereby nominated and appointed, Trustees for survey-  
ing, ordering, amending, widening, and keeping in Repair, the said Road;  
and also for putting in Execution all other the Powers in and by this Act  
given; and the said Trustees and the Survivors, or any  
of them, respectively, or such Person or Persons as they, or any  
more of them, shall appoint, shall and lawfully may erect, or cause to be erected,  
one or more Gate or Gates, Turnpike or Turnpikes, or any cross, or on  
the side of any Part or Part of the said Road, and also a Toll-house or  
Toll-houses in or upon the said Road, and shall and lawfully may receive, and  
take the Tolls or Duties for and by the said Road, and also for the said  
Ais, Cattle, Coach, Chaise, Cart, Waggon, Van, Hearse, Mule,  
and, Hearse, Waggon, Van, Cart, Chaise, Coach, Cattle, Ais, shall be  
permitted to pass through the said Road, and also for the said



Tolls.



shall be, and they are hereby nominated and appointed, Trustees for surveying, ordering, amending, widening, and keeping in Repair, the said Road; and also for putting in Execution all other the Powers in and by this Act given; and the said Trustees and the Survivors, or any or more of them, respectively, or such Person or Persons as they, or any, or more of them, shall appoint, shall and may erect, or cause to be erected, one or more Gate or Gates, Turnpike or Turnpikes, in, upon, cross, or on the Side of any Part or Parts of the said Road; and also, a Toll-house or Toll-houses in or upon the same; and shall and may demand, receive, and take the Tolls or Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say

Tolls.



Vested in the Trustees.

And to be levied by Distress.

Qualification of Trustees.

Power for Trustees to divide the Tolls.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as, a Toll or Duty, and the Money, so thereby to be raised and collected, is hereby vested in the said Trustees: And the same, and every Part thereof, shall be paid, disposed of, or assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned, appointed, and directed; and it shall and may be lawful to and for the said Trustees, or any or more of them, or any such Person or Persons, as they, or any or more of them under their Hands and Seals shall from Time to Time nominate and appoint, to demand, take, and receive the Tolls and Duties hereby granted, and made payable, of or upon any Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay the same, by of any Horse or Horses, or other Cattle, Goods, or Chattles, upon which such Tolls or Duties are, by this Act, imposed, or by of any other, the Goods and Chattles of such Person or Persons, who ought to pay the same and such to detain until such Tolls or Duties, with the reasonable Charges of making and detaining such shall be paid; and in Case such Tolls or Duties, shall not be paid within the Space of Days after such made, such Person or Persons, so distraining, may sell the Horses, Cattle, and Goods so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, Duties, and all reasonable Charges shall be deducted and paid.

And be it further Enacted, That no Person shall be capable of acting as Trustee in any Case, in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold, Leasehold, or Copyhold of the yearly Value of above Reprizes, or shall be Heir Apparent to some Person or Persons, having an Estate of the yearly Value of

And if any Person or Persons, so made incapable to Act for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person and Persons shall to any Person or Persons, that will inform and sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Effoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed. And for preventing any Disputes that may arise, touching the Payment of any of the Tolls and Duties hereby granted, and to be taken respectively on the said Road, by this Act intended to be repaired.

Be it further Enacted, by the Authority aforesaid, That if there shall be or more, Turnpikes or Toll-bars erected in or on the Side



Side of, or cross, the said Road, then, and in such Case, the Tolls and Duties hereby granted, and made payable, for passing the said Road, shall be divided and allotted into so many Parts, Shares, and Proportions, as the said Trustees, or any or more them, shall direct or appoint; and the same shall be taken and received at such, and so many, of the said Turnpikes or Toll-bars, as by the said Trustees, or any or more of them, shall be ordered and appointed for that Purpose, and not otherwise.

**Provided** always, and it is hereby Enacted and Declared, That during the Continuance of this Act, no Toll shall be demanded or taken, by Virtue of this Act, for Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, or Chairs, or Passengers on Horseback, on the Day or Days on which there shall be an Election of a Knight or Knights of the Shire, to serve in Parliament for the said County of *York*, any Thing herein before contained to the contrary notwithstanding.

No Toll for Persons going to the Election of Members for the County of *York*.

**And** be it further Enacted, by the Authority aforesaid, That the said Trustees, or any or more of them, out of the first Money arising by the Tolls and Duties, which shall be collected, by Virtue of this Act, or out of such Money as shall be borrowed on the Credit thereof, shall, in the first Place, pay and discharge

Application of Tolls.

all the Expences and Charges of procuring, obtaining, and passing this Act of Parliament, and of erecting such Turnpikes and Toll-houses as they shall think proper; and afterwards the Money arising by the Tolls or Duties, and to be borrowed as aforesaid, shall be laid out and applied for and towards the repairing and opening of the said Road, and other the Purposes of this Act, in such Manner, as the said Trustees, or any or more of them, shall direct and appoint.

**And** be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for all, or any of the said Trustees, who is, or are, or shall be, in the Commission of the Peace for the said County of *York*, to act as a Justice of the Peace in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned, any Thing herein contained to the contrary notwithstanding.

Trustees in the Commission of the Peace to act as Justices.

**And** be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatever, owning, renting, or occupying any Tenements, Lands, or Grounds, near to the said Road, shall, knowingly or willingly, permit or suffer any Person or Persons to pass through any Grounds, Gate, Passage, or Way, with any Coach, Chaise, Chariot, Landau, Berlin, Calash, Waggon, Wain, Cart, Carriage, Horse, Mare, Ass, Mule, or any sort of Cattle, on which a Toll or Duty is hereby laid, with an Intent to evade the Payment of the said Toll or Duty; or if any Person or Persons owning, riding in, or driving any Coach, Landau,

Penalty for permitting private Passage, and taking off, and unloading.



dau, Berlin, Chaise, Chariot, Calash, Chair, Waggon, Wain, Cart, or other Carriage, or owning, riding, or driving any Horse, Mare, Afs, Mule, or other Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way, with an Intent to evade the Payment of the said Toll or Duty; or if any Person or Persons shall, with such Intent, unload, or cause to be unladen, any Sort of Goods or Merchandizes, or take off, or cause to be taken off, any Horse, Mare, Gelding, or other Cattle, from any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage; or if any Person or Persons, with the like Intent, shall leave upon the said Road, any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage, or any Horse, Mare, Gelding, or other Cattle, by Reason whereof, or of any the Offences aforesaid, the Payment of any Tolls or Duties, by this Act imposed, shall be avoided or lessened, each, and every Person or Persons in all, every, or any the Cases aforesaid offending, being thereof respectively or more Witnesses or Witnesses, before any or more of the said Trustees, or before any or more Justice or Justices of the Peace for the North-Riding, of the County of York (which the said Trustees, or any of them, or the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) shall, for every such Offence, to the said Trustees hereby authorized to put this Act in Execution, or to their Treasurer or Treasurers, for the Time being, the Sum of which Sum, in Case the same be not forthwith paid, shall be by Warrant under the Hand and Seal, or Hands and Seals, of the Trustees, or any or more of them, or of the said Justice or Justices, rendering the Overplus (if any there be) to the Owner, on Demand, after deducting the reasonable Charges of making by the said Trustees, or any of them, or by the said Justice or Justices, and when the said thereof, shall go, and be paid, to the Informer, and the other shall be applied towards the repairing of the said Road, and to no other Use or Purpose whatsoever

Penalty on  
Persons dis-  
posing of  
Tickets.

And for preventing Frauds and Abuses in the said Tolls or Duties hereby granted; **Be it further Enacted**, by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty, by this Act laid or made payable, and having a Note or Ticket, Notes or Tickets, signifying or denoting the Payment of such Toll or Duty (which Note or Ticket the Receiver or Receivers, Collector or Collectors of the said Toll or Duty is, and are hereby required, to give gratis) shall give, offer, or dispose of the same to any Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person so giving, offering, or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving and making Use of the same, being thereof before the said Trustees, or any of them, or before any or more Justice or Justices of Peace for the Riding aforesaid (which the said Trustees

tees



tees, or any or more of them, or the said Justice or Justices is, and are hereby, respectively impowered and required to administer gratis) every such Person or Persons shall respectively

as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

**Provided also, and be it further Enacted,** by the Authority aforesaid, That it shall and may be lawful, to and for the said Trustees, or any or more of them, from Time to Time, during the Continuance of this Act, to compound and agree with the Inhabitants of any of the Parishes, Townships, or Places, through which the said Road doth lead; or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable, or chargeable, towards the repairing any Part of the said Road, for a certain Sum of Money, or otherwise by the Year, as the said Trustees, or any or more of them, shall think reasonable, in lieu of the Statute, or other Work to be done, by the Inhabitants of such Parishes, Townships, or Places; or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, chargeable as aforesaid.

Power to compound for Statute-work.

**And be it further Enacted,** by the Authority aforesaid, That the said Trustees, or any or more of them, may, and they are hereby also empowered, from time to time as they shall think fit, to compound or agree by the or otherwise with any Person or Persons, using to travel through the Turnpike or Turnpikes, to be erected by Virtue of this Act, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage; Horse, Gelding, Mare, or other Beast of Burthen, for any Sum or Sums of Money, for or in lieu of Payment of any of the said Tolls or Duties, to be paid quarterly, from time to time after such Agreements shall be made; Copies of all which Compositions or Agreements, so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books, to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, which said Book or Books, shall and may be seen and perused, by any Person or Persons whomsoever, without Fee or Reward.

And with Travellers.

**And be it further Enacted,** by the Authority aforesaid, That in case any such Composition Money, agreed to be paid for passing through the said respective Turnpikes, or Gates, to be erected by Virtue of this Act, Toll-free; or in lieu of any Statute, or Days-work of the Inhabitants of any Parish, Township, or Hamlet, wherein the Road to be amended, by Virtue of this Act, doth lie, shall not be paid within next after the same shall become payable, according to such Agreement or Composition, that then it shall be lawful, for any the Justices aforesaid, under his Hand and Seal, to empower the Persons authorized by the said Trustees, or any or more of them, to receive such Composition Money, and (Oath being first made, that the same has been demanded

Penalty for Non-payment of Composition.



demanded and remains unpaid, which Oath such Justice is hereby authorized and required to administer)

the Person or Persons, so having compounded for passing through any of the said Turnpikes Toll-free as aforesaid; or of the Person or Persons, who shall so compound for, or in respect of the said Statute or Days-work, or of the Surveyors of the Highways, for the Time being, of such Parish, Township, or Hamlet, in Respect of whose Statute or Days-work such Composition shall be made; returning the Overplus, if any, after the Charges of

Power to appoint Officers, and their Salaries.

**And be it further Enacted**, by the Authority aforesaid, That the said Trustees, or any or more of them, present at their first or any succeeding Meeting, by any Writing under their Hands and Seals, shall and may chuse and appoint, one or more fit Person or Persons, to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls or Duties aforesaid; and also one or more fit Person or Persons, to be Surveyor or Surveyors, to view the Condition of the said Road, and to see that the same is repaired and amended; and that the Money raised, by Virtue of this Act, be duly applied; and also, one or more Clerk or Clerks, and such other Officer as shall be necessary, in order to put this Act in Execution; and, from Time to Time, to remove such Treasurers, Collectors, Receivers, Surveyors, Clerks, and other Officers aforesaid, or any of them, as they the said Trustees, or any or more of them, shall see occasion, and appoint other Officers, in Case of the Death, or such Removal; and such Person or Persons, as is and are hereby made liable to pay the said respective Tolls or Duties, shall pay the same, after the Rates aforesaid, to such respective Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, as shall, from Time to Time, be respectively appointed for that Purpose; and the Person or Persons, so appointed, to collect and receive the said Tolls and Duties; and also, such Surveyor or Surveyors, and such other Person or Persons, so appointed as aforesaid, shall, from Time to Time, and as often as the said Trustees, or any or more of them, shall require, make, and render to them, or any or more of them, a true, perfect, and exact Account in Writing, upon Oath to be taken before any or more of such Trustees, or any or more of the said Justice or Justices of the Peace (and which Oath such Trustees or Justices are, and is hereby, impowered and required to administer without Fee or Reward) of all Moneys by them respectively collected, received, and disbursed, and of all other Matters and Things committed to their Charge, by Virtue, or under the Authority of this Act; and in Case any Money so received, shall remain in their, or any of their Hands, the same shall be paid to the said Trustees, or to any or more of them, or to such Person or Persons as they, or any or more of them, shall, by Writing or Writings under their Hands, authorize



size to receive the same, and shall be disbursed and laid out in amending the said Road, according to the true Meaning of this Act, and not otherwise; and the said Trustees, or any or more of them, shall, and may out of the Moneys arising by the said Tolls or Duties, make such Allowances to such Officers, for and in Consideration of his and their Care and Pains taken in the Execution of his and their said respective Office or Offices, and to such other Person or Persons as shall be assisting in and about procuring the said Road to be amended and repaired, by advancing or laying out any Money, or otherwise relating thereto, as to the said Trustees, or any or more of them, shall seem reasonable; and in Case the said Receivers, Collectors, or other Persons aforesaid, or any of them, shall refuse or neglect to give and make such Account and Payment as aforesaid, that then any or more of the said Justices may, and they are hereby empowered and required to cause the said Collectors and other the Persons aforesaid, or any of them, to appear

and shall make Inquiry of and concerning such Default in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of or more credible Witness or Witnesses upon (which the said Justices, or or more of them, are and is hereby empowered and required to administer without Fee or Reward) and if any such Collectors, Receivers, or other Persons aforesaid, or any of them, shall be by such Justice or Justices of having neglected or refused to give such Account, or of having delivered a false defective or imperfect Account, or of having neglected or refused to pay the Moneys due on such Account, within next after such Account shall be so given in, that then, in any of the said Cases, it shall and may be lawful for any or more of the Justices of the Peace to the Offender or Offenders to kept in and for the said North-Riding, of the said County of York, there to remain until he or they shall have given, made, and delivered a true, exact, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with such Trustees, and have paid such Composition to the Treasurer or Treasurers of the said Road for the Time being, which Composition the said Trustees, or any or more of them, are hereby authorized and empowered to make and receive.

**And be it further Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and such Persons as he or they shall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, Waste or Common, of any Parish, Town, Village, or Hamlet, wherein or near which the said Road, or any Part thereof, doth lie proper and convenient for repairing and amending the same, and for Want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials, there to dig, gather, take, and carry away the same in and out of any River, Brook, Waste or Common of any neighbouring Parish, Town, Village, or Hamlet, in any Riding or Ridings, without paying any Thing for the same,



same, such Surveyor or Surveyors respectively levelling, or causing to be levelled, all such Holes and Pits as shall be occasioned by the Digging for or taking away such Materials, and where there are not Sufficient of such Materials in any such Rivers, Brooks, Commons, or waste Grounds as aforesaid, it shall and may be lawful for such respective Surveyor or Surveyors, by Order of the said Trustees, or any or more of them, to dig and gather such Materials in, and carry the same out, of the several Grounds of any Person or Persons (not being the Site of Ground of or whereon any House or Houses stand, or a Garden, Orchard, Yard, Park, or Paddock, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground, set apart and used as a Plantation or Nursery for Trees) where any such Materials are or may be found, and, from Time to Time, to take and carry away the same, or so much thereof, as the said Surveyor or Surveyors of the said Road, shall adjudge necessary for repairing and amending the same, paying such Rates or Sum and Sums of Money for such Materials; and for the Damage done to the Owner and Owners, and Occupier and Occupiers, respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees, or any or more of them, shall adjudge reasonable; and in Case of any Difference concerning the same between such Owners and Occupiers, and the said Trustees touching such Damage as aforesaid, the said Justices, at their next General Quarter-Sessions, to be holden in and for the said Riding, Liberty, or Place (where and from whence such Materials shall be digged, gathered, or carried away, or where such Damage shall be done as aforesaid) or the major Part of them, then present, shall and may adjudge, assess, and finally determine the same, and order the Damages to be paid by the said Treasurer or Treasurers, for the Time being, out of the Money arising by the said Tolls, from which Determination there shall be no Appeal.

To make  
Causeways,  
and cut  
Drains.

**And be it further Enacted**, by the Authority aforesaid, That it shall and may be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Road, and to make and erect Arches or Bridges of Brick, Timber, or Stone, upon the said Road; and also to widen any of the narrow Parts of the said Road, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto (not being the Ground whereon any House or Houses stand, or Garden, Orchard, planted Walk, Park, or Paddock, or Avenue to any House, already or hereafter to be planted, or any Piece or Parcel of Ground planted, set apart, and used as a Plantation or Nursery for Trees) and also to cause Ditches or Trenches to be made in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any or more of them, shall adjudge necessary for the better amending and keeping the Road aforesaid in good Repair; and also to make, or cause



cause to be made, a Road or Way through, over, and along the adjoining Grounds to any narrow or ruinous Part or Parts of the said Road, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Publick Highway, whilst the old narrow or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired; making such reasonable Satisfaction to the Owners and Occupiers of such Ground respectively, as shall be so laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any or more of them: And in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at the next General Quarter-Sessions, to be holden for the Riding, Liberty, or Place wherein such Ground so laid into the said Road, or any Part of such Ground shall lie, or through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which any such Arch or Arches, Bridge or Bridges, Causeway or Causeways, shall be erected or made, or through which any such Road shall be made, or the major Part of such Justices present at such Quarter-Sessions, to hear, settle, adjudge, and finally determine the same; and if any Owner or Owners, Occupier or Occupiers, of any Water-course or Water-courses, Ditch or Ditches, adjoining to the said Road, shall neglect or refuse to scour and cleanse such Water-course or Water-courses, or to make such Ditch or Ditches so deep, and in such Manner, as the Surveyor or Surveyors so to be appointed, shall, from Time to Time, judge proper and convenient, after Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons, as he or they shall appoint to such Owner or Owners, Occupier or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to set any Man or Men at Work, to scour cleanse, and deepen the same; and

**And be it further Enacted,** by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor or Surveyors, and such Person or Persons, as he or they shall appoint (by the Direction of the Trustees, or any or more of them, under their Hands) from Time to Time, to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Water-courses, Sinks,

To remove Annoyances.

or



or Drains running into, along, or out of the said Road, to the Prejudice thereof, and to cleanse any Ditch or Water-course next adjoining to the said Road, and to cut down, lop, or top any Trees (Timber Trees excepted) or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same (in case the Owners or Occupiers of the Premises respectively neglect to remove such Annoyances, or to cut, fell, or take away such Trees, Loppings, Boughs, or Bushes, for the Space of      Days next after Notice in Writing given for that Purpose, under the Hand of the said Surveyor or Surveyors, or of the said Trustees, or any      or more of them, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down, top, or lop such Trees or Bushes, or to remove such other Annoyances as aforesaid: And if after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like kind, every such Person so offending, and being thereof      before the said Trustees, or any      or more of them, or any      or more of such Justice or Justices, shall, for every such Offence,      unto the said Trustees, or to their Treasurer or Treasurers, for the Time being, the Sum      in manner as by this Act is directed.

Tolls assigned  
for Money  
borrowed.

**And forasmuch** as the Money so to be collected, by the Receipt of the Tolls or Duties, by this Act made payable as aforesaid, will not at present be sufficient for the speedy Repairing of the same; **Be it further Enacted**, by the Authority aforesaid, That the said Trustees, or any      or more of them, at their public Meetings, shall and may, and they are hereby impowered, from Time to Time, by any Writing or Instrument, under their Hands and Seals, to assign over or mortgage the said Tolls or Duties arising by Virtue of this Act, or any Part thereof (the Costs and Charges of which Assignment and Mortgage shall be borne and paid out of such Tolls and Duties respectively) for the Term granted by this Act, or for any Part of such Term, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with legal Interest or less, as shall be agreed upon; which said Money, so to be borrowed, shall be applied and disposed of in the first Place to pay off the Charges and Expences of obtaining this Act of Parliament; and the Residue shall be applied in such Manner, and for such Purposes, as the said respective Tolls and Duties are, by this Act directed, to be applied and disposed of, and to no other Use or Purpose whatsoever.

Notice to be  
given of bor-  
rowing Mo-  
ney.

**Provided always, and it is hereby Declared**, That no Money shall be borrowed on the Credit of the Tolls or Duties to be collected after the first Meeting of the said Trustees, unless Notice for that Purpose be fixed in Writing, under the Hand of their Clerk, upon all the Turnpike-gates erected, or to be erected by Virtue of this Act, at least      before the borrowing such Money.

And



And it is hereby further Enacted, by the Authority aforesaid, That all and every Mortgage and Mortgages, Assignment and Assignments, so to be made by the said Trustees, shall be copied and entered at length in a Book or Books, to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers of the said Road, which said Book or Books shall and may be seen and perused, at all seasonable Times, by any Person or Persons whatsoever, without Fee or Reward.

Copies of Securities to be entered in a Book.

And it is also further Enacted, by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any or more of them, as a Security for any Sum or Sums of Money by any Person or Persons lent or advanced on the Credit, and for the Purposes mentioned in this Act, who shall be intitled to the Money thereby secured, shall and may, from Time to Time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of or more Witnesses, assign or transfer the same Security or Securities, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced or notified to the Clerk or Clerks, Treasurer or Treasurers appointed, or to be appointed by the said Trustees, or any or more of them, within next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Parties, and the Sum of Money therein mentioned in the said Book, to be kept for entering the said original Mortgage and Mortgages, Assignment and Assignments, for which such Clerk or Clerks, Treasurer or Treasurers shall be paid

Securities may be transferred.

and no more; and after such Entry made, such Assignment shall intitle such Assignee, or any subsequent Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit and Payment thereof; and such Assignee may, in like Manner, assign the same again, and so toties quoties; and it shall not be in the Power of any Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Provided always, and it is hereby Declared and Enacted, by the Authority aforesaid, That no Person or Persons having occasion to pass through any Turnpike or Turnpikes, where Tolls or Duties is, are, or shall be taken, and who shall return the same Day through the same Turnpike or Turnpikes, before of the Clock at Night, with the same Coach, Berlin, Landau, Chariot, Calash, Chaise, Horse-litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any sort of Cattle, for which the Tolls or Duties had been paid

Tolls to be paid but once a Day.



paid, and to evidence, such Payment shall produce a Note or Ticket (which Note or Ticket the said Receivers or Collectors are hereby respectively required to give *gratis*) shall be liable, or compelled to pay the said Toll or Duty more than once, at any such Turnpike or Turnpikes. And that no Waggon, Wain, Cart, or Carriage, having passed any Place or Places where the Toll or Duty shall be taken, laden, or empty, and going to load with Coals or Cinders only, and returning again at any Time empty, or laden with Coals or Cinders only, within the Space of

next after the former Passage, through the said Turnpike or Gate, shall be liable or compelled to pay the Toll or Duty more than once; so as such going and returning be for and with one Turn or Load only of Coals or Cinders.

**And be it further Enacted,** by the Authority aforesaid, That in Case the Trustees for putting this Act in Execution, or any more of them, shall at any Time or Times hereafter, during the Continuance of this Act, think proper to widen, turn, or alter the Way or Path, or any Part or Parts of the said Road, hereby directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers, that then it shall and may be lawful, to and for the said Trustees, or any or more of them, and they are hereby authorized and empowered, from Time to Time, to treat, contract, or agree, for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Road, and for the Loss or Damage, the Owners, Proprietors, or Occupiers thereof, or any of them, shall or may any Ways sustain, by such widening, altering, or turning such Way or Path, and to pay for the same out of the respective Tolls and Duties by this Act granted, or out of the Money to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, and Occupiers, and Persons interested as aforesaid, and the said Trustees, or any or more of them. And for the Costs and Charges attending such Purchase, and such Lands and Grounds, when purchased as aforesaid, shall, by Order and Direction of the said Trustees, or any or more of them, be laid into and made Part of the said Road, so directed to be amended by this Act, in such manner as the said Trustees, or any or more of them shall think convenient; and shall by them respectively, or by such Person or Persons as they respectively, or any or more of them, shall order and appoint, be sufficiently drained, ditched, and fenced out, for that Purpose; and after the said Lands and Grounds shall be so drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be, and shall be esteemed and taken, a publick and common Highway; and shall be amended and kept in Repair, by such Ways and in such Manner as other Highways are amended and kept in Repair, by the Laws now in being; and after such Purchase shall be made as aforesaid, the Lands and Grounds comprised in, or constituting the old or former Road (in Lieu whereof the Land or Ground, for such new Road or Way, shall be purchased as aforesaid) shall be vested in, and shall



or may be sold or disposed of, by the said Trustees, or any or more of them, to such Person or Persons as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same. And the Money arising by such Sale, shall be applied and disposed of for the repairing, widening, and amending the said Road; and the Sale and Conveyance, or Conveyances, to be made of such Lands and Grounds, comprised in the said old Road, being executed by the said Trustees, or any or more of them, and inrolled with the Clerk of the Peace of the Riding, Liberty, or Place, within which the said Road, or any Part thereof doth lie, shall be good and effectual to all Intents and Purposes whatsoever.

**and whereas** it may happen, that some Person, or Bodies Politick or Corporate, Collegiate, Feoffees in Trust, or others, are seized or possessed of Lands, Grounds, Tenements, or Hereditaments, which may by the said Trustees be thought necessary, or proper, to be taken in and added to the said Road, for widening, turning, altering, or amending the same; but by Reason of Infancy, or other Disabilities, a good Title cannot be made thereto; **Be it therefore Enacted**, by the Authority aforesaid, That it shall and may be lawful, to and for all Bodies Politick, Corporate, or Collegiate Corporations, aggregate or sole; and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots, Lunaticks, and Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, Idiots, Lunaticks; and for all and every Person and Persons whatsoever, who are or shall be seized, possessed of, or interested in any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, or agree, with the said Trustees, or any or more of them, for the absolute Purchase of such Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or for their Interest therein, for the Purpose aforesaid; and to sell and convey the same as Occasion shall be or require. And that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof, in any wise notwithstanding. And that all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, and Trustees, Corporations corporate or collegiate, aggregate or sole; and all other Persons are and shall be hereby indemnified for what they shall do, by Virtue or in Pursuance of this Act.

**and it is hereby further Enacted**, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Husbands, Guardians, Trustees, Committees, or other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given, or left in Writing, at the Dwelling-House or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken in

Bodies Politick, &c. impowered to agree with Trustees for Sale of Lands to be taken into the Road.

On Persons neglecting to treat for Sale of such Lands.



in and added to the said Road as aforesaid, or into which such Way, Path, or Road, shall be so turned or altered as aforesaid, shall, by the Space of

Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by Reason of Absence shall be prevented from treating, then, and in every such Case, the said Trustees, or any

or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of indifferent Men (which Oath the said Trustees, or any

or more of them, are hereby empowered and required to administer) what Damages will be sustained by, and what Recompence or Satisfaction shall be made to such Owners, Proprietors, or other Person or Persons interested for, or upon Account of, the taking of such Lands, Grounds, or Hereditaments, into the said Road; and in order thereto, the said Trustees, or any

Trustees may  
summon a  
Jury to assess  
the Recompence.

or more of them, are hereby empowered and required, from Time to Time, as Occasion shall be or require, to summon and call before them all and every Person or Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premises; and shall examine all such Witnesses before the said Jury, upon Oath (which Oath, the said respective Trustees for the said Road, or any

or more of them, are hereby empowered and required to administer) and they shall also order and cause the said Jury to view the said Places in Question, and to use all other lawful Ways and Means, as well for their own as the said Jury's Information in the Premises, as they the said Trustees, or any

or more of them, shall think fit; and after the said Jury shall have so enquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any

or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of the said Lands, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination so had and made, shall

Verdict to be  
binding to all  
Parties.

be final and binding, and conclusive, to all Intents and Purposes; against all Parties or Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females-Covert, and Persons under any other Disability whatsoever; Bodies Politicks, Corporate or Collegiate, as well as all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any Ways interested in such Lands, Grounds, Tenements, and Hereditaments shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, or Property, of, into, or out of the same, and for summoning and returning such Jury or Juries, the said Trustees, or any

Trustees to issue their Warrants to the Sheriff for returning a Jury

or more of them are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the said County of York, thereby commanding or requiring him to impanel, summon, and return an indifferent Jury of

Persons to appear before the said Trustees



Trustees or any or more of them at such Time and Place, as in such Warrant shall be appointed, which Sheriff or his Deputy or Deputies is, and are hereby required thereupon to impanel, summon, and return such

Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summon, the said Trustees or any or more of them, shall swear or cause to be sworn

Persons who shall be the Jury for the Purposes aforesaid, and in default of a sufficient Number of Jurymen the said Sheriff or his Deputy, or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service to the Number of

**Provided** always and it is hereby Declared and Enacted, That all Persons concerned, shall from Time to Time, and at all Times have their lawful Challenges against any of the Jurymen to be summoned in Pursuance of this Act, in such and in the like Manner as any Party in any Action brought, or to be brought, depending or to be depending in any of his Majesty's Courts of Record at *Westminster*, is, or shall be by Law intitled to; and the said Trustees, or any or more of them, are hereby impowered from Time to Time, to or such

Persons concerned, may challenge any of the Jury.

Trustees may levy Fines, or Sheriffs making Defaults.

Sheriff, his Deputies, or Bailiffs respectively, who shall make Default in the Premises, as also, on many of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared, shall refuse to be sworn on the said Jury, or after having been sworn, shall refuse or not give his, or their Verdict of, and upon the Matter in Question or the Damages he or they shall be sworn to try, or to inquire of, or in any other Matter wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence or Testimony before the said Jury, touching the Premises, shall refuse to be examined, or to give Evidence or Testimony touching the same.

**Provided** and it is hereby further Enacted and Declared, That no such upon any one Person for any one single Offence, but such Fine in such and the like Manner, and to and for such and the like Purposes, as any other

**Provided** always, and it is hereby Declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes, to be erected by Virtue of this Act, and carrying any Quantities of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials, for repairing the said Road, or for mending any of the Highways in the Parishes, or Townships, in which

Persons and Things exempted from Tolls.



any Part of the Road, by this Act directed to be repaired, doth lie, or going or returning through any of the said Turnpikes, for, or with any Dung, Mould, or Compost of any Nature or Kind whatsoever, for manuring of Lands or Gardens, nor shall any Toll or Duty, be demanded or taken, by Virtue of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards of, or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, in which the said Road doth lie, nor for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Things whatsoever belonging to, or employed by such Inhabitants respectively, in Husbandry, nor for the manuring or stocking of Lands, lying near the said Road, Lime only excepted. Nor shall any of the said Tolls or Duties, hereby laid, be demanded or taken, of or from any Person or Persons residing in the said Parishes in which the said Road hereby directed to be repaired doth lie, who shall pass through the said Turnpikes or Cross-Gates to or from Church, Chapel, or other Place of religious Worship on *Sundays*, or who shall attend the Funeral of any Person or Persons, who shall die, and be buried in any of the said Parishes, in which the said Road hereby directed to be repaired, doth lie, or for any Horses, Geldings, Mares, or Cattle, going to, or returning from Pasture or Watering-Places, belonging to such Parishes, Townships or Places, or any of the neighbouring Inhabitants near the said Road, nor for any Post-Horses carrying the Mail or Packet; nor shall any Toll or Duty be demanded, or taken for the Horses of Soldiers passing, who are upon their March, or for Carts, Carriages or Waggons attending them, or laden with their Arms or Baggage, nor for Horses, Carts, or Waggons, travelling with Vagrants, sent by Passes, any Thing herein contained to the contrary notwithstanding.

Turnpikes  
and Toll-  
Houses vested  
in Trustees.

**And be it further Enacted**, by the Authority aforesaid, That the Right and Property of all and every the Gates, Turnpikes and Toll-Houses which shall be erected on, within, cross, or on the Sides of the said Road, by Virtue of this Act, shall during the Continuance of this Act, be vested in the said Trustees; and they the said Trustees or any or more of them are hereby authorized and empowered to dispose thereof, and in their Names or in the Names of any or more of them, or in the Name or Names of their respective Clerk or Clerks, Treasurer or Treasurers for the Time being, to bring Actions against any Person or Persons who shall disturb them in the Enjoyment of the Property thereof, or to prefer and prosecute Bills of Indictment against any Person or Persons, who shall steal, take away, break down, or spoil such Gates, Turnpikes, or Toll-Houses, or any of them, or any Part of them, so be erected as aforesaid.

No Gate plac-  
ed nearer the  
City of York  
than

**And it is hereby Enacted**, by the Authority aforesaid, that nothing herein contained, shall empower the said Trustees or any of them to erect any Gates or Turnpikes at any Place upon the said Road, nearer to the City of York than

**Provided**



**Provided always, and it is hereby Enacted and Declared,** by the Authority afore-<sup>Trustees im-</sup>said, That the said Trustees hereby appointed and their Suc-<sup>powered to</sup>cessors, or any or more of them, are hereby authorized and <sup>lessen the Tolls</sup>im-  
powered from time to time, to lessen the Tolls and Duties hereby granted  
and made payable, and to order and direct the same to be collected, received,  
and taken, in such Manner, Parts and Proportions, as they shall think pro-  
per, any Thing herein contained to the contrary notwithstanding, so as such  
Reduction be no Prejudice to any Person, who shall advance any Money  
on the Credit of the said Tolls, or the Person, who shall be intitled to the  
Money thereby secured at the Time of such Reduction, or shall be with the  
Consent of the Person or Persons, who at the time of such Reduction shall  
be intitled to any Money secured thereon.

**Provided always,** That if at any time, after such Reduction or lessening <sup>Power to raise</sup>  
of the said Tolls as afore-<sup>the Tolls again.</sup>said, the Tolls so reduced or lessened, shall not be  
found sufficient to answer the Purposes, intended by this Act, that then it  
shall and may be lawful to and for the said Trustees, or any  
or more of them, to advance and raise the said Tolls, or any of them to the  
Sum herein before by this Act directed to be taken, and paid, any thing here-  
in contained to the contrary thereof notwithstanding.

**Provided always, and it is hereby Enacted, and Declared,** That if it <sup>Lands charge-</sup>  
shall appear to the said Trustees, or any or more of them that <sup>able to remain</sup>  
any Lands, Tenements, or Hereditaments, or any Rents, or Profits, issuing <sup>so.</sup>  
out of any Lands, Tenements, or Hereditaments, now are, or hereafter,  
shall be liable and chargeable towards the repairing and amending the said  
Road, or any Part thereof, by this Act directed to be repaired, such Lands,  
Tenements, and Hereditaments, shall still remain liable and chargeable, and  
the Possessors or Occupiers of such Lands, Tenements, and Hereditaments  
are hereby required and directed to pay such Rents and Profits, to such Per-  
son or Persons, as the said Trustees or any or more of them  
shall appoint to receive the Tolls and Duties hereby granted, and upon De-  
fault of Payment thereof it shall and may be lawful to and for the said Trustees  
or any or more of them

such Person or Persons as shall neglect or refuse to make such Payment as  
afore-<sup>so.</sup>said, and such Rents and Profits, when recovered and received, shall be  
applied from time to time, for such Purposes, as the said Tolls and Du-  
ties, and the Money to be borrowed on the Credit thereof is, in, and by  
this Act, directed to be applied and disposed of.

**Provided also, and be it further Enacted and Declared,** by the Au- <sup>Persons</sup>  
thority afore-<sup>chargeable</sup>said, That all and every Person and Persons, who by Law, are <sup>to the High-</sup>  
obliged to do Statute Work, or are chargeable towards the repairing and <sup>ways to con-</sup>  
amending the said Road, or any Part thereof, shall still remain chargeable and <sup>tinue so.</sup>  
do



do their respective Days Works, in such Manner, as he, she, or they, was or were obliged to do, or ought to have done before the passing of this Act, any Thing herein before contained to the contrary thereof notwithstanding.

Surveyors, &c.  
to give Lists of  
the Persons li-  
able to do Sta-  
tute-work.

**And be it further Enacted**, by the Authority aforesaid, That the Surveyor or Surveyors of the Highways, of and for the several Parishes or Townships in which the said Road doth lie, shall Yearly and every Year during the Continuance of this Act, within

after Demand made to them respectively in Writing, by the Surveyor or Surveyors appointed, or to be appointed by Virtue and in Pursuance of this Act, give in, and deliver to such Turnpike Surveyor or Surveyors, an exact List or Account in Writing under his, or their Hand or Hands of the Christian and Surname of all and every Person and Persons in the said respective Parishes, Townships or Places, and shall set forth and specify in such List, what each Person is respectively chargeable with for and towards the same; and the said parochial or Town Surveyor or Surveyors for the time being respectively, within

after Notice shall be given them by the respective Turnpike Surveyor or Surveyors of the time, when, and how many of the Persons so chargeable as aforesaid, he would have to do, such their respective Statute or Days Work, so adjudged or appointed as aforesaid, in, or upon any Part of the said Road, shall summon or give Notice thereof, to the Person or Persons so chargeable as aforesaid; and if any Parochial or Town Surveyor aforesaid, shall neglect or refuse to do, as they are hereby required and directed, he, or they for every such Neglect or Refusal, shall forfeit and pay the Sum of

and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Road shall after such Summons, or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, each Team or Cart, not to contain less than

good Horses or Beasts of Draught, with one Person to attend the same, to do and perform such their respective Days Work on the said Road, he, she, or they so neglecting or refusing shall respectively forfeit and pay the Sum of

for every Team, Draught, or Cart making Default, each of the said respective Days; and if any Labourer, or other Person or Persons so chargeable towards repairing the said Road shall at any time neglect or refuse (after such Summons or Notice) to do or perform the said appointed Days Work on the said Road, he, she, or they shall respectively forfeit and pay the Sum of

for each of the said Days, such Labourer or other Person or Persons shall make Default, and if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid, come to Work, as Labourers, or be sent with any Team, Draught, or Cart to work on the said Road are found idle or negligent, by the said Turnpike Surveyor or Surveyors respectively, where the Work is to be done, in such Case the same Surveyor or Surveyors may, and is, and are hereby empowered and required to remove and turn him, or them off, who shall be found idle, or negligent as aforesaid, and it shall be esteemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work



work on the said Road, and he, she, or they shall be subject and liable to the respective  
aforementioned, as if he, she, or they had neglected or refused to do or perform the said respective Days Work so ordered and appointed as aforesaid.

**And,** To the Intent that proper Persons may be impowered to compound for Statute Work, and agree with the Trustees for repairing the said Road for a Sum of Money, to be paid by any of the Parishes, Townships, or Divisions, through which the said Road doth lead, in Lieu of their Statute Work to be done on the said Road, **Be it further Enacted,** by the Authority aforesaid, That from and after the said  
Trustees may compound for Statute-work.  
it shall and may be lawful to and for the said Surveyor or Surveyors of the Highways of any of the said Parishes, Townships or Divisions, (by and with the Consent of the Inhabitants of such Parishes, Townships, or Divisions, or the major Part of them first had at any Vestry or other Publick meeting of the Inhabitants) to compound and agree with the said Trustees, or any or more of them aforesaid, from Year to Year, during the Continuance of this Act; and if such or any future Surveyor or Surveyors shall pay such Composition Money, or the same shall be levied upon him or them, he or they so paying, or on whom the same shall be levied, shall be reimbursed the Money so by him or them paid or levied on him or them, in such Manner as Surveyors of the Highways for the time being are by the Laws now in being to be reimbursed the Money by them laid out and expended in buying Materials for repairing the Highways.

**And be it further Enacted,** by the Authority aforesaid, That all  
Penalties and Forfeitures recovered.  
by this Act imposed or incurred (touching which no other Provision is herein made) shall be recovered and levied by  
of the Offender's Goods and Chattels, by Warrant or Warrants under the Hands and Seals of or more of the said Justices of the Peace; which Warrant or Warrants the said Justices are hereby impowered and required to Issue, upon the Information of one or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices are hereby impowered and required to administer without Fee or Reward) and the when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattels shall be so (the Charges of such being first deducted) shall go, be applied and laid out (if not otherwise applied and disposed of by this Act) for and towards amending the said Road.

**Provided always, and be it further Enacted,** by the Authority aforesaid, That in Case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves, aggrieved by any Thing done in Pursuance of this Act, it shall and may be lawful for him, her, or them, within the Space of to appeal to the said Justice of the Peace, at their next General Quarter-Sessions, to be held for the Riding, Liberty, or Place, wherein the Cause of Complaint shall arise,  
Persons aggrieved to appeal at Sessions.  
F who



who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved in a summary Way ; and, if they see Cause, shall and may, by Order of such Sessions, mitigate at their Discretion all or any of the

or laid on or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same with such Costs, as to them, in their Discretion, shall seem reasonable, and to

such Costs so awarded by of the Goods and Chattels of any Person or Persons who shall refuse to obey the same ; and for want of such sufficient

for the County of *York*, for any Time not exceeding or until Payment of such Costs shall be made ; and the Person so appealing as aforesaid shall, and they are hereby directed to give Notice in Writing to the said Treasurer or Treasurers, for the Time being, of such their Intention of bringing or prosecuting any Appeal before the said Quarter-Sessions, and shall, within after such Notice

given, enter into a Recognizance before some Justice of the Peace, within the Riding, Liberty, or Place, where the said Offence was committed, with sufficient Sureties, with Condition to try such Appeal at the Quarter-Sessions of the Peace, which shall be held next and immediately after the bringing such Appeal ; and every such Appeal shall, at the then next General Quarter-Sessions, be there heard and finally determined.

Proceedings  
not to be  
quashed for  
want of Form.

**Provided** always, and be it further Enacted, by the Authority aforesaid, That no Order made, touching, or concerning any of the Matters aforesaid, or any other Proceedings to be had, touching the of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster* ; any Thing herein contained to the contrary notwithstanding.

Comence-  
ment and  
Continuance  
of Tolls.

**And it is hereby further Enacted**, by the Authority aforesaid, That this Act, and all the said several Tolls or Duties hereby granted and made payable, and all other the Powers hereby given and granted, shall take Place, and have Continuance from and after the for and during the Term of Years, and from thence to the End of the then next Session of Parliament ; but if at any Time before the Expiration of the said Term of Years, the said Road shall be sufficiently amended and repaired, and so adjudged by the said Justices of and for the North-Riding of the said County, at their General Quarter-Sessions of the Peace next after *Easter*, that then and from, and after such Adjudication made, and Repayment of all such Money as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with the Interest for the same, and the Cost and Charges thereof, and of obtaining this Act of Parliament, and all other the Charges and Expences attending the Execution



cotion of this Act, the aforesaid Tolls and Duties shall cease and determine, any Thing herein contained to the contrary notwithstanding.

**And be it further Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for the Trustees, or any or more of them, <sup>Power to let the Tolls.</sup> from Time to Time, by any Writing under their Hands and Seals, to demise, lease, and to farm let the Tolls or Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons, from

for the best Price such Trustees can get, payable at such Times, and under such Covenants, and with such Security for the Payment thereof, as they the said Trustees, or any or more of them, shall think fit, and to be paid, to the said Trustees, or any or more of them, or to such Person or Persons as they, or any or more of them, shall appoint to receive the same; which Money, so to be paid, shall be applied and disposed of as the Tolls or Duties, granted by this Act, are respectively directed, to be applied and disposed of.

**And** for the continuing a sufficient Number of Trustees, for putting in Execution all and every the Powers and Authorities hereby given, directed, and appointed; **Be it further Enacted**, by the Authority aforesaid, That when and as often as any Trustee or Trustees shall dye, remove, or refuse to act, or come to the Meetings of the said Trustees, for the Space of <sup>New Trustees to be chosen.</sup>

it shall and may be lawful for such of the said Trustees as shall survive and remain, or any or more of them, by any Writing or Writings under their Hands, from Time to Time, during the Continuance of this Act, to elect, nominate, and appoint one or more fit Person or Persons, living in the said County of York, qualified to act as a Trustee or Trustees, according to the Directions of this Act, in the Room or Place of such Trustee or Trustees, so dying, removed, or refusing to act or to come to the Meeting of the said Trustees as aforesaid; and such Person or Persons so elected, nominated, and appointed, shall be joined with such surviving or remaining Trustees, in the Execution of all and every the Powers in them reposed by virtue of this Act: But Notice of the Time and Place of the Meeting, for the Election of all and every such new Trustee or Trustees, shall be given by the Clerk to the said Trustees for the Time being, who is hereby required to fix, or cause to be fixed, such Notice in Writing, at or on all the Turnpike-gates, which shall be erected by virtue of this Act, at least before the Meeting for such Election; and all and every such Person or Persons, as shall be chosen and appointed, to be joined with such surviving or remaining Trustees, shall and may, and he and they are hereby authorized and impowered to act, being qualified as this Act requires, to all Intents and Purposes, in as full, large, and ample Manner as the said Trustees, nominated by this Act, are authorized and impowered.

**And be it further Enacted**, by the Authority aforesaid; That the said Trustees, or any or more of them, shall meet at the House of <sup>First Meeting of Trustees.</sup>

and



and shall from thence adjourn themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places in or near the said Road, so to be repaired as the said Trustees, or any or more of them, shall think proper or convenient, as often as it shall be necessary, for putting in Execution the Powers herein granted and given: And if it shall happen, that there shall not appear at any Meeting, which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day; then and in such Case the Clerk to the said Trustees, by Notice in Writing under his Hand, to be fixed at or on all the said Turnpike-gates, to be erected by virtue of this Act, at least Days before the next Meeting, shall appoint the said Trustees to meet at the House, where the Meeting of the said Trustees was last appointed to be held on that Day on which such last Meeting was appointed to have been held; and that the said Trustees, at their first and all their subsequent Meetings, shall defray their own Charges and Expences.

No Trustee to  
to accept of a  
Place.

**Provided always, and be it further Enacted and Declared,** That no Person or Persons appointed, or to be appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of any Toll or Duty by this Act laid or granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees, from the Time of accepting and during the Enjoyment of such Place of Profit as aforesaid.

Mile Stones  
to be erected.

**provided also, and it is hereby further Enacted,** That the several Trustees, or any or more of them, shall and may, and they are hereby required to cause the said Road to be measured, and Stones or Posts to be thereon, or in or near the Sides thereof erected, each Stone or Post at the Distance of One Mile each from the other, and upon which shall be denoted the Distances of any one Town or Place, from any other Town or Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily or maliciously break or pull up any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be thereof, by the Confession of the Party, or by the Oath of or more Witness or Witnesses before the Trustees, or any or more of them, or before or more such Justice or Justices (which said Oath any or more of the said Trustees, or the said Justice or Justices, are and is hereby empowered and required to administer) every such Person so offending, and being thereof as aforesaid, shall respectively

for each Stone or Post so voluntarily and maliciously broken, pulled up obliterated or defaced, to be of the Goods and Chattels of every such Offender, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of the said Trustees, or any or more of them, or of any Justice or Justices, before whom such Conviction shall be made in

Pursuance



Pursuance hereof one of such Forfeitures, to be paid to and for the Use of the Informer; and the Residue to be applied in repairing the Stones or Posts so broken or defaced, or in supplying new Ones in their stead; and if there shall be any Overplus thereof, the same shall be laid out in repairing the said Road: But in Case no sufficient

the same; then it shall and may be lawful for the said Trustees, or any or more of them, or any or more of such Justice or Justices, by Warrant under their Hands and Seals, or Hand and Seal, to the Person or Persons so offending, to any within the said County of *York*, to be there kept to for any Time, not less than the Space of nor exceeding or until he, she, or they shall have fully paid the Money, which he, she, or they shall have forfeited or be liable to pay, on such Conviction as aforesaid.

**Provided also, and be it further Enacted**, by the Authority aforesaid, That no Nomination, Appointment, Information, Oath, Judgment, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of or only signed by any Trustee or Trustees, for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever. Writing to be without Stamp.

**And be it further Enacted**, by the Authority aforesaid, That the said Trustees, or any or more of them are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act for the due execution of his said Office, as to the said Trustees, or any or more of them shall seem meet. Treasurer to give Security.

**And whereas**, by an Act, passed in the Twenty fourth Year of the Reign of his present Majesty, intituled, An Act for the more effectual Preservation of the Turnpike Roads, in that Part of *Great Britain*, called *England*, and for the Disposition of Penalties given by Acts of Parliament, relating to the Highways in that Part of *Great Britain*, called *England*, and for enforcing the Recovery thereof, and for the more effectual preventing of Mischiefs occasioned by the Drivers riding upon Carts, Drays, Cars, and Waggons in the City of *London*, and within Ten Miles thereof, certain Powers, Authorities, and Remedies for demanding, collecting, receiving and levying the additional Tolls or Duties, Penalties, and Forfeitures thereby inflicted and made payable are vested in the Trustees or Commissioners appointed, or then after to be appointed by any Acts of Parliament in that Part of *Great Britain* called *England*, in their respective Districts, **Now** to prevent any Doubts that may arise touching the Construction of the said Act, **It is hereby further Enacted and Declared**, by the Authority aforesaid, That the said Act, and all, and every the Clauses therein contained shall be deemed, adjudged and taken to extend to the Highway and Road, in and by this Act directed



rected to be repaired in the same Manner, as if the same had been Turnpike Road before the passing of the said Act, and that all, and every the Carriers and Waggoners travelling or using the said Road hereby directed to be repaired shall incur and be liable to the like Penalties, Forfeitures, additional Tolls and Duties, as by the said Act of the Twenty fourth Year of his present Majesty are inflicted, imposed, or made payable; and that the same Tolls, Duties, Forfeitures, and Penalties, and all Powers, Authorities and Remedies, for the receiving, recovering, or levying the same, shall be and are hereby vested in the several Trustees and Commissioners appointed, and to be appointed by Virtue of this Act, in as full and ample a Manner as if the said Road or Highway hereby directed to be repaired had been Turnpike Road, before the passing of the said Act, any Thing therein to the contrary contained in anywise notwithstanding.

Limitation of  
Action.

**Provided always, and be it further Enacted,** by the Authority aforesaid, That if any Action, or Suit shall be commenced against any Person or Persons, for any Thing to be done in Pursuance of this Act, every such Action or Suit shall be brought within Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *York*, and not elsewhere; and the Defendant or Defendants in such Action or Suit, to be brought, shall and may plead the general Issue, Not Guilty, and give this Act, and the special Matter in Evidence, at any Tryal, to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act; and if the same shall appear so to be done, or that such Action or Suit shall be brought in any other County, Place or Places, that then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared, or if upon Demurr Judgment shall be given against the Plaintiff or Plaintiff, the Defendant or Defendants shall and may recover Costs, and have such Remedy for the same as any Defendant or Defendants hath, or have in any Case by Law.

Publick Act.

**And be it further Enacted,** by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever without specially pleading the same.



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*A BILL for Widening and Re-  
pairing the High-Road from  
North-Allerton, through the  
Towns of Thirsk and Easing-  
wold, in the North-Riding of the  
County of York, to the City of  
York.*



